

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CRAIG WRIGHT,)
Petitioner)
vs.) CAUSE NO. 3:11-CV-88 RM
) (Arising out of 3:07-CR-67(01) RM)
UNITED STATES OF AMERICA,)
Respondent)

OPINION and ORDER

In December 2007, Craig Wright pleaded guilty to count 2 of a seven-count indictment, which charged him with distributing five grams or more of cocaine base (crack), in violation of 21 U.S.C. § 841(a)(1). More than three years after sentence was imposed and almost two years after he was transferred to federal custody to begin serving his sentence, Mr. Wright filed a petition pursuant to 28 U.S.C. § 2255, to have his sentence vacated based on his claim that his attorney was ineffective at sentencing. The court held that 28 U.S.C. § 2255(f) and the waiver in his plea agreement barred Mr. Wright's petition, and denied Mr. Wright's § 2255 petition on March 3, 2011. Mr. Wright has filed an appeal of that order and is before the court asking that a certificate of appealability be issued. Although Mr. Wright hasn't filed a motion to proceed *in forma pauperis* on his appeal, the court will view his motion as including that request, as well.

Issuance of a certificate of appealability requires the court to find that Mr. Wright has made "a substantial showing of the denial of a constitutional right."

28 U.S.C. § 2253(c)(2). He hasn't done so. Mr. Wright didn't establish that his guilty plea was anything but informed and voluntary or that his counsel provided ineffective assistance. His request for a certificate of appealability is therefore denied.

Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be permitted to proceed on appeal *in forma pauperis* unless the court "certifies that the appeal is not taken in good faith." In other words, the court must determine "that a reasonable person could suppose that the appeal has some merit." Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000). Because no reasonable person could find that Mr. Wright's appeal has any merit, the court concludes that his appeal is not taken in good faith, and his request for pauper status must be denied.

Based on the foregoing, Mr. Wright's motion for a certificate of appealability and for leave to proceed *in forma pauperis* on appeal [Doc. No. 32] is DENIED.

SO ORDERED.

ENTERED: April 19, 2011

/s/ Robert L. Miller, Jr.
Judge
United States District Court

cc: C. Wright
AUSA Barrett